IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

Tr.P(Crl.).No. 12 of 2007()

L.P.NO. 45/0606 IN CC.988/2002 of J.M.F.C.,PALA

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PETITIONER: COMPLAINANT:

MALABAR CHIT FUNDS (PVT.) LTD.,
3RD FLOOR, JAYANTHI BUILDINGS, CALICUT,
REPRESENTED BY P. SATHER,
MANAGING DIRECTOR.

BY ADV. SRI.A.AHZAR

RESPONDENTS: STATE & ACCUSED:

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1. THE STATE OF KERALA, REPRESENTED
BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. BIJU. P.N., AGED 34 YEARS,
S/O.GOPI P.N., PIDAUNEEKIYIL HOUSE,
PANANGAD, KANNADIPOIL, BALUSSERY, CALICUT.

R1 BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 22/02/2007, ALONG WITH TPCR NO. 9 OF 2007 AND OTHER CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.R.RAMAN & V.K.MOHANAN,JJ

Tr.A. No.12 of 2007

Dated 7th November, 2007.

Judgment

Raman, J.

This appeal is filed against the order passed by the learned Single Judge declining to transfer the case pending before the Family Court, Thrissur as divorce O.P. No.822/2005 to the Family Court, Ernakulam as sought for by the appellant/petitioner. The appellant, at the relevant time, was employed at Ernakulam while the transfer petition was moved. However, the petitioner at present employed in Madras as evidenced by annexures-1 and 2 produced along with I.A.2782/2007. Annexure A1 is the certificate issued by the employer of the appellant which shows that the appellant is employed in Tata Consultancy Services Limited. Annexure A2 shows that the appellant's child is admitted to Chinmaya Vidyalaya. In view of the changed circumstances, the appellant fairly submitted that she is not pressing the appeal.

However, the learned counsel prayed that since the appellant, a woman, is employed at Chennai, may be exempted from personal appearance before the Family Court, Thrissur where the case is now pending.

2. Heard both sides.

3. In view of the changed circumstances and taking into consideration the submission made by the learned counsel for the appellant, the appeal is closed as not pressed. Since the appellant is presently employed at Chennai, it may cause inconvenience and hardship if the personal appearance of the appellant is insisted on all occasions when the case is taken for consideration in the Family court, Thrissur.

In the circumstances, if an application is moved in the Family court, Thrissur for exemption from personal appearance before the Family Court except when appearance is absolutely necessary for the purpose of taking evidence in the matter, appropriate orders will be passed

on such exemption application granting substantial reliefs to the appellant in that regard.

P.R.Raman, Judge.

V.K.Mohanan, Judge.

kvm/-

V.K.MOHANAN, J.

No....

Judgment/Order

Dated: